

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

MATTHEW R. HAKODA
Petitioner,

v.

DAVID MILLS, WARDEN
Respondent.

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No. 3:11-0937
Judge Campbell

O R D E R

In accordance with the Memorandum contemporaneously entered, the Court finds no merit in the petitioner's application (Docket Entry No.1) for writ of habeas corpus. Accordingly, petitioner's application is DENIED and this action is hereby DISMISSED. Rule 8(a), Rules -- § 2254 Cases.

Should the petitioner file a timely notice of appeal from this order, such notice shall be treated as an application for a certificate of appealability, 28 U.S.C. § 2253(c); Rule 22(b), Fed.R.App.P., which will ISSUE on the sole claim that counsel was ineffective for failing to challenge the enhancement of petitioner's sentence as a Blakely violation.

It is so ORDERED.

Todd Campbell
Todd Campbell
United States District Judge